THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.1347 OF 2006

Dt.27.1.2006

Between:

A.Taher Basha and another … Petitioners

And

Sri Gidda Anjaneya Swamy Devasthanam,

Rep. by its Single Trustee, Tarapuram Village,

Mantriki Post, Peddakadubur Mandal,

Kurnool District and 4 others. … Respondents

ORDER:

Heard the learned counsel for the petitioners as well as the learned counsel appearing on behalf of the first respondent and the learned Government Pleader for Home appearing on behalf of respondents 2 and 3.

Petitioners question the inaction of the respondents 1 to 3 in taking action against respondents 4 and 5, who were doing unauthorized business in selling coconut and lemon in and around the premises of Sri Gidda Anjaneya Swamy Devasthanam and near by Tikka Tata Samadhi situate at Tarapuram Village, Peddakadabur Mandal, Kurnool District, as illegal and arbitrary.

It is stated that the first petitioner participated in the public auction conducted on 30.7.2005 for selling coconuts and the second petitioner participated in the public auction held on 30.10.2005 for running lemon stall and they became highest bidders for the sum of Rs.66,000/- and Rs.18,600/- respectively and obtained lease hold

rights in respect of the said stalls at the first respondent temple. It is stated that the lease period of the first petitioner to sell the coconuts is for one year commencing from 1.8.2005 to 30.7.2006 and the lease period of the second petitioner to sell lemons and other pooja items is commencing from 1.11.2005 to 31.7.2006. It is stated that at the instance of the earlier trustees respondents 4 and 5 are illegally selling coconuts and lemons in front of Galigopuram and some times at the main entrance of the main premises affecting the business of the petitioners. Therefore, the petitioner made complaint/report to respondents 2 and 3 but they are not taking any action.

The learned counsel appearing on behalf of the first respondent submits that in fact the temple also reported the matter to the concerned police preventing the illegal sale of coconuts and running of lemon stall by respondents 4 and 5.

Having regard to the facts and circumstances of the case, respondents 2 and 3 are directed to take appropriate action on the complaint/report made by the petitioners as well as the first respondent and intimate the action taken to the first respondent.

The writ petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J.)

27.1.2006

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